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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,394	12/01/2000	James F. Loughrey	4502-001	1287

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EXAMINER

LEE, WILSON

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,394

Applicant(s)

LOUGHREY, JAMES F.

Examiner

Wilson Lee

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-18, 20-27, 32-36 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-18, 20-27, 32-36 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “two connectors” and “a fluorescent lamp connected to each of the at least two connector” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-18, 20-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding Claim 15, “a fluorescent lamp connected to each of the at least two connector” is not taught and disclosed in the specification to enable one skilled in the art to make and/or use the invention.

Claims 16, 18, 20-27 are vague by virtue of their dependency on claim 15.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-18, 20-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 15, "said control fluorescent lamps" in lines 9 and 13 lack antecedent basis.

Claims 16, 18, 20-27 are vague by virtue of their dependency on claim 15.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-18, 21-27, 32, 33, 35, 36, 39, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Lys et al. (6,528,954).

Regarding Claim 1, Lys discloses a self-contained computerized variable intensity light controller (See Figure 21 and Col. 30, lines 26-53) comprising:

- At least two connectors (connections between the light source and the circuit) adapted to provide power to at least two fluorescent lamps since Lys clearly teaches that the fluorescence light could be used as the light source (See Col. 42, lines 19-21 and Claims 21 and 22 of Lys);

- A power source connector (646) for connecting the light controller (See abstract) to a power source (See Figure 21); and
- A computerized light control (See Figures 1 and 10) connected to, and integrated with, the power source connector (646) for receiving power and connected to the connectors for providing power to the at least two connectors (to the light sources) without using a filter, a phased-fired SCR, a choke and an amplifier.

Regarding Claim 2, Lys discloses that a plurality of light sources mounted in the at least two connectors wherein the fluorescent lamps comprises fluorescent light bulbs (See Claims 21 and 22 of Lys).

Regarding Claims 3 and 4, Lys discloses that the controller comprises a computer (e.g. micro-processor) (See Figures 1 and 10).

Regarding Claim 5, Lys discloses that the controller is networkable (See Figure 2).

Regarding Claim 8, Lys discloses that the computerized light control is adapted to control the single feed power (from 646) provided to at least two connectors by turning on and off (by transistors 26) individually each one of the at least two connectors (See Figures 6, 21, 65, 66, 74).

Regarding Claim 9, Lys discloses that the light control (e.g. 16) is adapted to send and receive signals (e.g. send signals to the light sources 120 and receive signals from data).

Regarding Claim 10, Lys discloses that the sent and received signals comprise control signals (e.g. illumination controlled) (See Col. 9, lines 38 to Col. 10, line 35).

Regarding Claim 11, Lys discloses that the received signals comprises commands to control the computerized light control (e.g. color changes, illumination control, etc.) (See Col. 6, lines 43-61).

Regarding Claim 12, Lys discloses that the sent signals comprise commands to control another computerized light control (See Figure 2).

Regarding Claim 13, Lys discloses that the controller is an individual connectable replacement for an existing light source (See Figure 21 and Col. 39, lines 40-45).

Regarding Claim 14, Lys discloses that the controller comprises a single screw-in replacement element (thread base) (See Col. 39, lines 40-45).

Regarding Claim 15, Lys discloses a method of modifying a light output level of a self-contained computerized variable intensity light controller having at least two connectors adapted to provide power to at least two fluorescent lamps since Lys clearly teaches that the fluorescence light could be used as the light source (See Col. 42, lines 19-21 and Claims 21 and 22 of Lys), and a computerized light control (16) connected to each of the at least two connectors for controlling individually each of the at least two connectors, the method comprising the steps of:

- receiving a signal to modify the light output level of the fluorescent lamp since Lys clearly teaches that the fluorescence light could be used as the light source (See Col. 42, lines 19-21 and Claims 21 and 22 of Lys) (See abstract and Figures 1 and 2); and
- individually activating or deactivating one or more of the at least two connectors in response to the received signal to modify the light output level of the

fluorescent lamps without using a filter, a phase-fired SCR, a choke, and an amplifier (See Col. 11, line 43 to Col. 12, line 8).

Regarding Claims 16 and 17, Lys discloses that the light control comprises a computer (e.g. micro-processor) (See Figures 1 and 10).

Regarding Claim 18, Lys discloses that the light control is networkable (See Figure 2).

Regarding Claim 21, Lys discloses that the step of individually activating or deactivating comprises individually turning on and off (by transistors 26) one or more of the at least two connectors (See Figures 6, 21, 65, 66, 74 and Col. 12, lines 1-8).

Regarding Claim 22, Lys discloses that the received signals are received from a network (See Figure 2).

Regarding Claim 23, Lys discloses that the step of sending a signal indicative of the status of the controller (See Col. 27, lines 36-45).

Regarding Claim 24, Lys discloses that the step of sending a signal indicative of the status of the at least two connectors through each drivers (26) (See Col. 27, lines 36-45 and Figure 6).

Regarding Claim 25, Lys discloses that the controller is a replacement for a light source (e.g. the conventional thread base and such housing can be fit to halogen light, incandescent light, fluorescent lamp) (See Col. 39, lines 40-45 and Claims 2, 3, 11, 21, 23 of Lys).

Regarding Claim 26, Lys discloses that the controller is uniquely addressable on a network (See Figure 2).

Regarding Claim 27, Lys discloses that the controller is networkable with another light bulb (See Figure 2).

Regarding Claim 32, Lys discloses a self-contained, computerized, variable light output level light source comprising:

- a plurality of controllable filaments (e.g. the filaments of the incandescent lamps) since Lys clearly teaches that the incandescent lamps could be used as the light source (See Col. 5, line 66 to Col. 6, line 15);
- a power source connector (646) having a standard light bulb base for connecting the computerized variable intensity light bulb (See abstract) to a standard light bulb socket as a power source (See Figure 21); and
- a computerized light control (See Figures 1 and 10) connected to, and integrated with, the power source connector (646) for receiving power and connected to the plurality of the controllable filaments, wherein the light control controls each of the plurality controllable filaments without using a filter, a phased-fired SCR, a choke and an amplifier.

Regarding Claim 33, Lys discloses that the plurality of controllable filaments is two or more filaments since Lys shows more than two light sources (See Figures 4-6).

Regarding Claim 35, Lys discloses that each of plurality of controllable filaments (inside the light sources) is individually controllable by the light control (See Figure 6 and Col. 12, lines 1-8).

Regarding Claim 36, Lys discloses that the light bulb is a replacement for an existing light source (e.g. conventional halogen or incandescent bulb, connected through the thread base) (See Col. 39, lines 40-45).

Regarding Claim 39, Lys discloses that the light source is connectable to a standard light source socket (through thread base) (See Col. 39, lines 40-45).

Claim Rejections 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 20 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lys et al. (6,528,954) in view of Nishida (6,208,319).

Regarding Claims 7, 20 and 34, as discussed above, Lys essentially discloses the claimed invention can be used in display signs, information board, scoreboard, etc (See Col. 73, lines 33) but fails to explicitly disclose 256 light source sockets or filaments. However, Nishida discloses a usage of 256 light bulbs for conventional bulletin board display (See Figure 11). Since Lys does not limit the number of sockets and filaments, the implementation of such number (e.g. 256) of the light sources (as the same number of connectors or filaments) is not restricted. It would have been obvious to one of ordinary skill in the art to use any number of sockets or filaments, such as 256, in Lys in order to incorporate in a bulletin board display to attract the attention of observers as desired in as taught by Nishida.

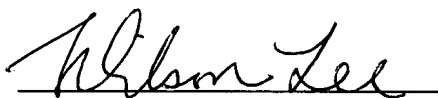
Besides, Lys discloses that the software of his invention can generate output at a resolution of 256 (See Col. 23, lines 49-55). Further, the scope of the invention will not change by merely adding loads.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7-18, 20-27, 32, 36, 39 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (703) 306-3426. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956. The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

A handwritten signature in black ink, appearing to read "Wilson Lee", written over a horizontal line.

Wilson Lee
Patent Examiner
U.S. Patent & Trademark Office

WL
9/22/03